HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL No.1250 of 2006

Between:

G. Sankaramma & others

… Appellants

And

Palamanda Prabhakar & others

… Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri K. Ravindra Kumar

Counsel for respondent Nos.1 to 10 : Shri V.Venkata Ramana

Counsel for respondent Nos.11 and 12: Shri V.V. Prabhakara Rao

19.02.2007

Per G.S. Singhvi, CJ

Whether the State Election Commission (for short 'the Commission') can, in exercise of the power vested in it under Article 243(1) of the Constitution of India and Section 201 of the Andhra Pradesh Panchayat Raj Act, 1994, suspend the declaration of the result of election under Rule 16 of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 1994 is the question which arises for determination in this appeal filed against order dated 02.11.2006 passed by the learned Single Judge in Writ Petition No. 16344 of 2006, whereby he quashed order dated 29.07.2006 passed by the Commission suspending the election of the writ petitioners (respondent Nos. 1 to 10 herein) as Sarpanchas of different gram panchayats.

We have heard learned counsel for the parties and perused the

record. After Shri K. Ravindra Kumar, learned counsel for the appellants and Shri V. Venkata Ramana, learned counsel for respondent Nos.1 to 10 concluded their arguments, Shri V.V. Prabhakara Rao, on the basis of instructions given to him, stated that order dated 29.07.2006 passed by the State Election Commission is legally untenable and the same will not be enforced.

In view of the statement made by Shri V.V. Prabhakara Rao, we do not consider it necessary to decide the issue raised in the appeal and dispose of the same as infructuous along with Writ Petition No.16344 of 2006 filed by respondent Nos. 1 to 10. Needless to say that the appellants herein shall be free to avail appropriate legal remedy in the matter of the alleged forged withdrawal of their nominations on 23.07.2006 and election of respondent Nos. 1 to 10 as Sarpanchas of the gram panchayats.

As a sequel to disposal of the appeal as infructuous, W.A.M.P.No.2623 of 2006 filed by the appellants for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

February 19, 2007
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